

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/741,821
Applicant : Frederic ROELEN
Filed : December 19, 2003
TC/A.U. : 2621
Examiner : Michael P. CHOI
Docket No. : 02-MGE-349
Customer No. : 23334
Confirmation No.: 2611
For : *PROCESS AND DEVICE FOR DECODING MPEG PICTURES
AND FOR DISPLAYING THEM IN REWIND MODE, VIDEO
DRIVER CIRCUIT AND DECODER BOX INCORPORATING
SUCH A DEVICE*

STATEMENT DESCRIBING DOCKETING SYSTEM USED BY PETITIONER

I, Jon Gibbons, do hereby attest based on my personal knowledge that the Notice of Allowance for the above-referenced case dated September 21, 2007 ("Notice of Allowance") was not received by my office.

I am a patent attorney and a member of the law firm of Fleit Gibbons Gutman, Bongini & Bianco P.L. I am the attorney for Petitioner and am registered to practice before the U.S. Patent and Trademark Office (Registration No. 37,333).

As part of my representation of clients of our law firm and as part of our firm's standard business practice, I personally review incoming mail from the U.S. Patent and Trademark Office for all matters being personally handled by me. Since the initial filing date and through this renewed petition, I have and continue to handle the above-referenced application for the client.

A search was conducted of our firm's full electronic and physical docket records on the present application, including the physical file jacket in accordance with MPEP §711.03 (c). A copy of the docketing record(s) used by the practitioner where the non-received Office action would have been entered had it been received is shown in Exhibit D.

Our firm uses a leading commercially available patent and trademark docketing system PATTSY (Patent And Trademark Tracking System) from O.P. Solutions of New York (www.opsolutions.com). PATTSY's reliability is the reason it is licensed by so many

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firms for docketing. We license this PATTSY docketing system because of its reliability. The system is sufficiently reliable in accordance with MPEP §711.03(c). A copy of the Pattsy docketing record shown in Exhibit D includes the application number, attorney docket number (210-P0046 shown in the top left-hand corner), the mail date of any actions (base date column), and the due date for the response (due date and final due date columns).¹

Further, we keep a separate Outlook calendar with nonextensible deadline including issue fee payments and we keep a personal docket using a wall calendar. A check of all three dockets fails to show any record of this Notice of Allowance, so it must not have been received.

Therefore, I attest based on my personal knowledge that the Notice of Allowance was not received.

Respectfully submitted,

Date: August 27, 2008

By: /Jon A. Gibbons/
Jon A. Gibbons
(Reg. No.37,333)
Attorney for Applicant

¹ On January 26, 2006, as part of our normal business practice to ensure that an application is not lost within the USPTO, we sent a Request for Status around the three-year anniversary of the filing date. Since this case was originally filed on December 19, 2003, we sent a Request for Status dated January 26, 2006 (previously submitted in the original petition dated January 22, 2008 as Exhibit B). As part of our normal business practice, since we did not receive a stamped return post card, on February 9, 2006 using the Private PAIR system at the USPTO, we requested a First Office Action Prediction. Through Private PAIR on February 9, 2006, the Customer Service Office in Technology Center 2600 response with an estimate, that we “will receive an Office Action in approximately 30 months” from the date of the letter (previously submitted in the original petition dated January 22, 2008 as Exhibit C). The estimate of 30 months from February 9, 2006 is August 9, 2008. Part of our normal business procedure is to docket another Request for Status or Status Check six-months after the earliest estimate from the USPTO, in this case February 9, 2009 (See Exhibit D illustrating the dates in our docketing system).

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CERTIFICATE OF TRANSMISSION

In accordance with 37 CFR 1.8, I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted or submitted under electronics filing system to the U.S. Patent and Trademark Office on the date: August 27, 2008

By: Jon Gibbons

Signature: /Jon Gibbons/
(Applicant, Assignee, or Representative)